

REMARKS

The current Amendment is being filed in response to the May 31, 2007 Office Action. Claims 1-4 are pending in this application. The Examiner has rejected claims 1-2 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,522,898 ("Kohno") in view of U.S. Publication No. 2003/0157897 ("Maeda"). The Examiner has rejected claim 3 under 35 U.S.C. § 103(a) as unpatentable over U.S. Publication No. 2002/0045432 ("Yoshida") in view of Maeda. Finally, the Examiner has rejected claim 4 under 35 U.S.C. § 103(a) as unpatentable over Yoshida in view of U.S. Pub. No. 2002/0098872 ("Judson")

In rejecting claims 1 and 2 as obvious, the Examiner alleges that Kohno teaches and discloses all of the elements of claim 1 of the present application except for "the receiving a quality of the reception" and the adaptive antenna "in response to quality of the Reception", and all of the elements of claim 2 except the adaptive antenna "at a direction in response to quality of reception." The Examiner suggests that these elements are taught by Maeda at figs. 3 and 8, and page 1, paragraphs [0007-0008] and [0015]. However, the base station of the present invention decides the directivity of the antenna based on a reception quality of a signal received at a radio terminal, a downward or downstream signal. The base station of Maeda controls the band-width of the antenna based upon the reception quality of a signal received at the base station, that is an upward or upstream signal. Thus, Maeda does not disclose or suggest "a receiving condition acquisition portion for acquiring a signal from the radio terminal concerning a quality of reception of said radio terminal" of the present invention. Claim 1 and 2 of the present invention solves a problem that if the directivity of the antenna is controlled based upon the reception quality of the upward signal, the directivity optimal for the radio terminal cannot be obtained where the direction in which the base station can obtain the best reception quality is not always

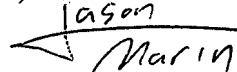
the direction where the radio terminal can obtain the same, because of the different transmission paths of the upward and downward signals. As Maeda controls the beam-width of the antenna of the base station based on the reception quality of the upward signal, even as applied to Kohno it cannot solve the problem addressed by Claim 1 and 2.

In rejecting claims 3 and 4 as obvious, the Examiner alleges that Yoshida teaches and discloses all of the elements of claim 3 of the present application except for "the adaptive antenna at the transmission direction of the radio wave corresponding a signal concerning the good quality of reception among the acquired signals," and all of the elements of claim 4 except "the acquiring data rate control from the radio terminal, and the adaptive antenna at the transmission direction of the radio wave corresponding a signal concerning the good [sic] a good data rate control." The Examiner suggests that the missing element of claim 3 is taught by Maeda (fig. 3 and page 1, par [0007-0008] and [0015]), and that the missing element of claim 4 is taught by Judson (fig. 1-3, page 3 paragraphs [0023-24], page 4 paragraph [0036] and page 5 paragraphs [0040-0041]). However, none of Yoshida, Maeda, or Judson, alone or in combination, disclose or suggest to receive from the radio terminal a signal concerning a quality of reception of the radio terminal for each transmission direction of a radio wave of the adaptive antenna, while changing the transmission direction of the radio wave of the adaptive antenna, and to control the directivity of the adaptive antenna at the transmission direction of the radio wave corresponding to a signal concerning the best quality of reception among the acquired signals. In other words the references do not disclose or suggest controlling the directivity of the adaptive antenna at the transmission direction where the best signal can be obtained. Thus, Yoshida, either in connection with Judson or Maeda, does not disclose all of the elements of Claims 3 and 4. .

For at least the reasons set forth above, Applicants respectfully submit that claims 1-4 are in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested. The Examiner is urged to telephone Applicants' undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. The Patent and Trademark Office is authorized to charge any fees required for the entry of this Response, including fees for an extension of time, and any further fees that are properly assessable in this case, or to credit any overpayment, to Deposit Account No. 50-0675, Order No. 848075/0072. In the event that an extension of time is needed for entry of this Response that is not otherwise provided for, such extension of time is hereby respectfully requested.

Respectfully submitted,

Schulte Roth & Zabel LLP
Attorneys for Applicants
919 Third Avenue
New York, NY 10022
(212)756-2000

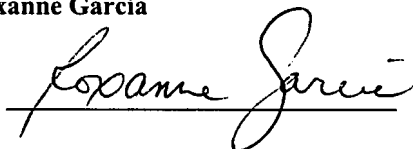
By 
Jason Marin
Reg. No. 55,799

Dated: August 31, 2007
New York, New York

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Name: Roxanne Garcia

Signature: 

Dated: August 31, 2007